



**CALIFORNIA STATE PERSONNEL BOARD**

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ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – SEPTEMBER 20, 2006**

**SUMMARY MINUTES<sup>1</sup>**

**SEPTEMBER 20, 2006**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**William Elkins, President**  
**Sean Harrigan, Vice President**  
**Anne Sheehan, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

- A.** The CPS Board met on September 8, 2006. The Board approved a new borrowing scheme for accounts receivable to facilitate liquidity and also voted to conduct a management audit of its operations.
- B.** CalEPA intern program is moving ahead. Anne Sheehan's involvement has been very helpful.
- C.** The staff has been discussing ideas that will improve the State's ability to recruit and hire college graduates.
- D.** SPB has been conducting a series of focus groups as a part of development of SPB's Strategic Plan.
- E.** The SPB received a copy of a letter from three legislative ethnic caucuses which thanked the Governor for his support on AB124. The letter also requested additional positions for the SPB's civil rights unit to help the implementation of AB124. Board President Elkins was commended for his leadership in bringing this issue to the Legislature's attention.
- F.** It was decided that the October 24, 2006, Board Meeting be cancelled due to scheduling compaction which occurred when the original October meetings were pushed back a week.

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<sup>1</sup> The Minutes for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

- A.** SPB staff has been continuing to meet with staff of the Office of the Receiver and California Department of Corrections and Rehabilitation to discuss various options available to meet the needs of the Receiver in addressing disciplinary issues in the health care system.
- B.** SPB staff has also met with Union of Physicians and Dentists to discuss issues of mutual concern.
- C.** Brian Van Slyke v. State Personnel Board, et al. – Case settled.
- D.** Clair Burgener, a well-respected former member of the Board, passed away last week.

**4. NEW BUSINESS**

**NONE PRESENTED**

**5. REPORT ON LEGISLATION – Sherry Evans**

**NONE PRESENTED**

**6. SPECIAL HEARING – California State Personnel Board Staff**

The Board met with six department representatives regarding progress and efforts made to comply with statutes pertaining to civil rights and equal employment opportunity.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**8. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]  
(See Action Taken on Pages 8–13)

**9. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Service Employees International Union, Local 1000 (CSEA) v. California Office of State Printing, Department of General Services, et al., Sacramento County Superior Court Case No. 05CS01230.

Brian Van Slyke v. State Personnel Board, et al.  
Sacramento Superior Court Case No. 05CS01776

**10. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**NO ACTION**

**11. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**12. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF OCTOBER 10-11, 2006, IN SACRAMENTO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**13. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF AUGUST 8, 2006**

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Sheehan – Aye

**14. EVIDENTIARY CASES**

**ACTION:** See Case Listings on Pages 8–15

**15. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION (See Minutes on Pages 24–25)**

**ACTION:** ADOPTED

VOTE: Elkins, Harrigan, Sheehan – Aye

**16. NON-EVIDENTIARY CASES**

**ACTION:** See Case Listings on Pages 15–21

**17. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On September 20, 2006, the following proposals were presented to the Board by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

**ACTION:** ADOPTED

VOTE: Elkins, Harrigan, Sheehan – Aye

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes.

<b>Title</b>	<b>Class Code</b>
Telecommunications Assistant	3010
State Security Officer	8358
* Forester I (Supervisory)	1071
* Chief Deputy Director, California Postsecondary Education Commission, C.E.A.	2498
* Staff Tax Auditor, Board of Equalization	4282
* Supervising Tax Technician I, Board of Equalization	1976

*\* Indicates classes which are part of a class series. Only the classification listed above will be abolished.*

**18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**MEDICAL RECORD DIRECTOR**

The Office of the California Prison Healthcare Receiver proposes revisions to the Medical Record Director classification specification. The Receiver's revisions provide for use of the class within an institutional setting and do not impact current incumbents.

**ACTION: NOTED**

**19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**DEPUTY TOLL BRIDGE PROGRAM MANAGER**

The Department of Transportation proposes to allocate the above position to the CEA category. The Deputy Toll Bridge Program Manager is responsible for the administration and operation of the Department's Toll Bridge Program, including policy development and guidance for the strategic direction of the Program.

**ASSISTANT DEPUTY DIRECTOR OFFICE OF PROVIDER OVERSIGHT**

The Department of Managed Health Care proposes to allocate the above position to the CEA category. The Assistant Deputy Director Office of Provider Oversight is responsible for the overall management and operation of the Department of Managed Health Care (DMHC), Office of Provider Oversight.

**PROJECT DIRECTOR, DIVISION OF JUVENILE JUSTICE**

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Project Director, Division of Juvenile Justice will be responsible for leading the Department in achieving timely compliance, implementation, and administration of critical statewide programs as mandated by a 2004 court decree (Farrell lawsuit).

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**OMBUDSMAN, KERN VALLEY STATE PRISON**

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category has been approved effective August 29, 2006.

**ASSISTANT EXECUTIVE OFFICER**

The California Tahoe Conservancy's proposal to allocate the above position to the CEA category has been approved effective August 23, 2006.

**ACTION: NOTED**

**20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**21. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE PRESENTED**

**22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE PRESENTED**

**23. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Pages 22–23**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 14 – 16 AS NOTED.**

**14. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

**(1) CASE NO. 00-3446A**

Appeal to set aside resignation

**Classification:** Police Office

**Department:** California State University, Fresno

Oral argument heard September 5, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**(2) CASE NO. 05-1737RPA**

Appeal from dismissal

**Classification:** Psychiatric Technician Assistant

**Department:** Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Oral argument heard July 11, 2006.

Case ready for decision by FULL Board.

**NO ACTION**

**(3) CASE NO. 05-1287A**

**CASE NO. 05-1599A**

Appeal from five percent reduction in salary for six months and two work days suspension

**Classification:** Correctional Lieutenant and Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected May 2, 2006.

Oral argument heard July 11, 2006.

Case ready for decision by FULL Board.

**NO ACTION**



- (4) **CASE NO. 05-1351A**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority
- Proposed decision rejected April 4, 2006.  
Oral argument heard September 5, 2006.  
Case ready for decision by FULL Board.
- NO ACTION**
- (5) **CASE NO. 04-1620PA**  
Appeal from dismissal  
**Classification:** Transportation Surveyor  
**Department:** Department of Transportation
- Petition for Rehearing granted April 4, 2006.  
Oral argument heard August 8, 2006.  
Case ready for decision by FULL Board.
- NO ACTION**
- (6) **CASE NO. 05-0078A**  
Appeal from dismissal  
**Classification:** Workers' Compensation Payroll Auditor  
**Department:** State Compensation Insurance Fund
- Proposed decision rejected May 23, 2006.  
Oral argument heard September 5, 2006.  
Case ready for decision by FULL Board.
- NO ACTION**
- (7) **CASE NO. 04-2809PA**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of the Youth Authority
- Petition for Rehearing granted March 8, 2006.  
Oral argument heard August 8, 2006.  
Case ready for decision by FULL Board.
- NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

NONE

**C. CHIEF COUNSEL RESOLUTIONS**

**COURT REMANDS**

NONE

**STIPULATIONS**

NONE

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ's proposed decisions submitted to the Board for the first time.

On September 20, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

**(1) CASE NO. 05-2820**

Appeal from dismissal

**Classification:** Transportation Engineer, Civil

**Department:** Department of Transportation

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

**(2) CASE NO. 05-0115**

Appeal from demotion

**Classification:** Program Manager I

**Department:** Employment Development Department

**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the demotion.

- (3) **CASE NO. 05-2211**  
Appeal from dismissal  
**Classification:** Senior Tax Compliance Representative  
**Department:** Employment Development Department  
**ACTION:** The Board rejected the ALJ's Proposed Decision and will hear the case itself.
- (4) **CASE NO. 05-2334**  
Appeal from rejection during probationary period  
**Classification:** Office Assistant (Typing)  
**Department:** Department of Social Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (5) **CASE NO. 05-1474**  
Appeal from 60 calendar days suspension  
**Classification:** Painter II  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the suspension.
- (6) **CASE NO. 06-0040**  
Appeal from rejection during probationary period  
**Classification:** Associate Information Systems Analyst  
**Department:** Department of Mental Health  
**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (7) **CASE NO. 05-3496**  
Appeal from five percent reduction in salary for three months  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the reduction in salary to a letter of Instruction.
- (8) **CASE NO. 05-3770**  
Appeal from 48 working days suspension  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the 48 working day's suspension to 20 working day's suspension

- (9) **CASE NO. 05-4526**  
Appeal from rejection during probationary period  
**Classification:** Licensing-Registration Examiner  
**Department:** Department of Motor Vehicles  
**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (10) **CASE NO. 06-1414**  
Appeal from constructive demotion  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision denying the appeal.
- (11) **CASE NO. 05-3422**  
Appeal from 30 calendar days suspension  
**Classification:** Program Technician II  
**Department:** Department of Health Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the suspension.

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

- (12) **CASE NO. 06-1774**  
Appeal from three working days suspension  
**Classification:** Officer, CHP  
**Department:** Department of California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the suspension.

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On September 20, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

- (1) **CASE NO. 04-2365P**  
Appeal from dismissal  
**Classification:** Offset Press Assistant  
**Department:** Department of General Services  
**ACTION:** Petition for rehearing denied.
- (2) **CASE NO. 04-2919ERP**  
Appeal of discrimination and retaliation  
**Classification:** Physician and Surgeon  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** Petition for rehearing granted.
- (3) **CASE NO. 05-2465P**  
Appeal from dismissal  
**Classification:** Toll Collector  
**Department:** Department of Transportation  
**ACTION:** Petition for rehearing denied.

#### **WHISTLEBLOWER NOTICE OF FINDINGS**

**NONE**

#### **F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 05-2596A**  
**CASE NO. 05-2592A**  
Appeal from formal reprimand and formal reprimand and five workday's suspension.  
**Classification:** Physician and Surgeon, Correctional Facility  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 6, 2006.  
Pending oral argument September 5, 2006, Sacramento.  
Oral argument continued.

**NO ACTION**

- (2) **CASE NO. 05-3030A**  
Appeal from constructive demotion  
**Classification:** Office Technician  
**Department:** Department of Developmental Services  
  
Proposed decision rejected May 2, 2006.  
Oral argument originally set August 8, 2006, Los Angeles.  
Continued to October 31-November 1, 2006, San Diego.  
  
**NO ACTION**
- (3) **CASE NO. 05-0638A**  
Appeal from dismissal  
**Classification:** Conservationist I  
**Department:** California Conservation Corps  
  
Proposed decision rejected September 5, 2006.  
Pending transcript.  
  
**NO ACTION**
- (4) **CASE NO. 04-1789APB**  
Appeal for back pay  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 21, 2006.  
Pending oral argument October 31-November 1, 2006, San Diego.  
  
**NO ACTION**
- (5) **CASE NO. 05-4330A**  
Appeal from dismissal  
**Classification:** Custodian Supervisor II  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 21, 2006.  
Pending oral argument October 10, 2006, Sacramento.  
  
**NO ACTION**
- (6) **CASE NO. 05-1567A**  
Appeal from dismissal  
**Classification:** Housing Finance Specialist (General)  
**Department:** California Housing Finance Agency  
  
Proposed decision rejected July 11, 2006.  
Pending oral argument October 31-November 1, 2006, San Diego.  
Oral argument continued.  
  
**NO ACTION**

**(7) CASE NO. 05-1875A**

Appeal from rejection during probationary period

**Classification:** Equipment Material Specialist

**Department:** Department of Transportation

Proposed decision rejected August 8, 2006.

Transcript prepared.

**NO ACTION**

**(8) CASE NO. 05-0207PA**

Appeal from constructive medical suspension

**Classification:** Facility Captain

**Department:** Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.

Oral argument originally set August 8, 2006, Los Angeles.

Continued to October 10, 2006, Sacramento.

**NO ACTION**

**16. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On September 20, 2006, the Board adopted as indicated below the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

**(1) CASE NO. 05-1465**

**Classification:** Correctional Officer

**Department:** Department of Corrections & Rehabilitation

**Issue:** Suitability; a negative law enforcement encounter.

**ACTION: GRANTED**

- (2) **CASE NO. 05-1976**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; gang related body markings.  
**ACTION: DENIED**
- (3) **CASE NO. 05-1342**  
**Classification:** Hospital Police Officer  
**Department:** Department of Mental Health  
**Issue:** Suitability; negative employment record.  
**ACTION: DENIED**
- (4) **CASE NO. 05-2283**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; felony conviction.  
**ACTION: DENIED**
- (5) **CASE NO. 05-0997**  
**Classification:** Medical Technical Assistant (MTA)  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability, omitted pertinent information, furnished inaccurate information and had a negative employment record.  
**ACTION: GRANTED**
- (6) **CASE NO. 05-1724**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information, had a negative employment record and non-compliance with legal obligations.  
**ACTION: DENIED**
- (7) **CASE NO. 05-1199**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative driving record and an arrest/conviction record.  
**ACTION: DENIED**
- (8) **CASE NO. 05-1106**  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted information and furnished inaccurate information.  
**ACTION: DENIED**



- (9) **CASE NO. 05-1568**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and had negative law contacts.  
**ACTION: GRANTED**
- (10) **CASE NO. 05-2249**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.  
**ACTION: DENIED**
- (11) **CASE NO. 05-1108**  
**Classification:** Communication Operator  
**Department:** Department of Mental Health  
**Issue:** Suitability; omitted information, furnished inaccurate information, had negative law enforcements contacts, and a negative driving record.  
**ACTION: DENIED**
- (12) **CASE NO. 05-1227**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; negative employment record, and failure to comply with legal obligations.  
**ACTION: DENIED**
- (13) **CASE NO. 05-0783**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; omitted pertinent information.  
**ACTION: DENIED**
- (14) **CASE NO. 05-1160**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and had illegal drug activity.  
**ACTION: DENIED**
- (15) **CASE NO. 05-1691**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative employment and driving record, and does not meet legal requirements.  
**ACTION: DENIED**

**(16) CASE NO. 05-0595**

**Classification:** Warehouse Worker  
**Department:** Franchise Tax Board  
**Issue:** Suitability; arrest/conviction record.  
**ACTION: DENIED**

**(17) CASE NO. 05-0598**

**Classification:** Correctional Officer  
**Department:** Department of Corrections & Rehabilitation  
**Issue:** Suitability; ability to communicate effectively.  
**ACTION: GRANTED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

On September 20, 2006, the Board adopted as indicated below the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

**(1) CASE NO. 05-3275**

**Classification:** Fraud Investigator I, DHS  
**Department:** Department of Health Services  
**Issue:** The appellant does not meet the minimum psychological qualification standards for State Peace Officer employment under Government Code § 1031 (f) linked to poor stress tolerance and poor judgment.  
**ACTION: DENIED**

• **CASE NO. 05-4157**

**Classification:** Warden Cadet  
**Department:** Department of Fish and Game  
**ACTION: DISMISSED**

• **CASE NO. 06-0415N**

**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: DISMISSED**

**C.    EXAMINATION APPEALS  
      MINIMUM QUALIFICATIONS  
      MERIT ISSUE COMPLAINTS**

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

On September 20, 2006, the Board adopted as indicated below the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

- (1)    CASE NO. 05-2500**  
      **Classification:** Research Analyst I (Social/Behavioral)  
      **Department:** Department of Motor Vehicles  
      **Issue:** Whether appellant meets the minimum qualifications.  
      **ACTION: GRANTED**

**D.    RULE 211 APPEALS  
      RULE 212 OUT OF CLASS APPEALS  
      VOIDED APPOINTMENT APPEALS**

Cases were heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board was presented recommendations by a Staff Hearing Officer for final decision on each appeal.

On September 20, 2006, the Board adopted as indicated below the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

- (1)    CASE NO. 05-2742**  
      **Classification:** Staff Counsel  
      **Department:** N/A  
      **Issue:** Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.  
      **ACTION: DENIED**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On September 20, 2006, the Board adopted as indicated below the following items as presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

- (1) CASE NO. 05-3826**  
**Classification:** Custodian  
**Department:** Department of General Services  
**Issue:** The charging party requests to file charges against an employee of the Department of General Services  
**ACTION: DENIED**
- (2) CASE NO. 05-2145**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against an employee of the Atascadero State Hospital.  
**ACTION: DENIED**
- (3) CASE NO. 05-2336**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against employees of the Atascadero State Hospital.  
**ACTION: DENIED**
- (4) CASE NO. 05-4248**  
**Classification:** Health Facility Evaluator II  
**Department:** Department of Health Services  
**Issue:** The charging party requests to file charges against employees of the Department of Health Services  
**ACTION: DENIED**

- (5) **CASE NO. 05-1507**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against an employee of the Atascadero State Hospital.  
**ACTION: DENIED**
- (6) **CASE NO. 05-2506**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against an employee of the Atascadero State Hospital.  
**ACTION: DENIED**
- (7) **CASE NO. 06-0876N**  
**Classification:** Employment Program Representative  
**Department:** Employment Development Department  
**Issue:** The charging party requests to file charges against employees of the Employment Development Department.  
**ACTION: DENIED**
- (8) **CASE NO. 06-0527N**  
**Classification:** Union Representative  
**Department:** Department of Motor Vehicles  
**Issue:** The charging party requests to file charges against employees of the Department of Motor Vehicles  
**ACTION: DENIED**
- (9) **CASE NO. 05-3191**  
**Classification:** Office Manager I  
**Department:** California Energy Commission  
**Issue:** The charging party requests to file charges against employees of the California Energy Commission  
**ACTION: DENIED**

**PETITIONS FOR REHEARING CASES**

NONE

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. HEARING – Public Hearing Regarding State Employment Application (STD. 678 (Rev/ 12/2001))**

Should the Instructions section of the state employment application, pursuant to Richard Toby (2001) SPB Dec. No. 01-04, clarify whether employees who have been rejected during their probationary period be required to answer "Yes" to Question No. 5 of the employment application? (Hearing held July 11, 2006.)

**NO ACTION**

**7. CASE NO. 05-1737RPA**

Appeal from dismissal. Psychiatric Technician Assistant. Department of Developmental Services. (Oral argument held July 11, 2006.)

**NO ACTION**

**8. CASE NO. 05-1287A &  
CASE NO. 05-1599A**

Appeal from five percent reduction in salary for six months and two work days suspension. Correctional Lieutenant and Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held July 11, 2006.)

**NO ACTION**

**9. CASE NO. 05-2209A**

Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held August 8, 2006.)

**NO ACTION**

**10. CASE NO. 04-1620PA**

Appeal from dismissal. Transportation Surveyor. Department of Transportation. (Oral argument held August 8, 2006.)

**NO ACTION**

**11. CASE NO. 04-2809PA**

Appeal from dismissal. Youth Correctional Officer. Department of the Youth Authority. (Oral argument held August 8, 2006.)

**NO ACTION**

**12. CASE NO. 05-1351A**

Appeal from dismissal. Youth Correctional Officer. Department of Corrections and Rehabilitation (formerly Department of the Youth Authority). (Oral argument held September 5, 2006.)

**NO ACTION**

**13. CASE NO. 05-0078A**

Appeal from dismissal. Workers' Compensation Payroll Auditor. State Compensation Insurance Fund. (Oral argument held September 5, 2006.)

**NO ACTION**

**14. CASE NO. 00-3446**

Appeal to set aside resignation. Police Officer. California State University, Fresno. (Oral argument held September 5, 2006.)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.



**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

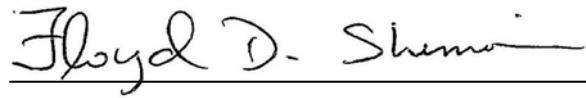
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on September 20, 2006.

VOTE: Elkins, Harrigan, Sheehan – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written in black ink on a white background. The signature is positioned above a horizontal line.

Floyd Shimomura  
Executive Officer  
California State Personnel Board